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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,293	01/11/2001	Philippe A. Bellosguardo	0051-1	9684

7590 12/21/2004

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EXAMINER

WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,293

Applicant(s)

BELLOSGUARDO, PHILIPPE A.

Examiner

Richard C. Weisberger

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Handwritten signature

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/01, 09/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A system (the scope of a system is confusing. Is the system, a combination of components?) for purchasing goods or services from a vendor, comprising: plurality of prepaid credit cards each having a unique identification number and a monetary value printed on its face; storage means for storing said identification numbers and said monetary value for each of a plurality of prepaid credit cards; computing means for approving or disapproving a sale; and communication means for transmitting and receiving between said computing means and said vendor said identification number and d) a charge cost comprised of a price for said goods or services, whereby a customer using said prepaid credit card is enabled to anonymously purchase said goods or services.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wisdom et al. Patent # 6,145,741.

6. Claim 1 is anticipated or rendered obvious by Figures 1 and 3 which shows a system for purchasing goods or services from a vendor, comprising: plurality of prepaid credit cards each having a unique identification number and a monetary value printed on its face; storage means for storing said identification numbers and said monetary value for each of a plurality of prepaid credit cards; computing means for approving or disapproving a sale; and communication means for transmitting and

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receiving between said computing means and said vendor said identification number and d) a charge cost comprised of a price for said goods or services, whereby a customer using said prepaid credit card is enabled to anonymously purchase said goods or services.

Claim 2 is anticipated or rendered obvious by Figures 1 and 3 which shows a system as recited by claim 1, wherein said identification number is embossed on said credit card.

Claim 3 is anticipated or rendered obvious by Figures 1 and 3 which shows A system as recited by claim 1, wherein said identification number is encoded in a magnetic strip on said credit card. In the alternative, the is unable to determine if the number is encoded in the magnetic strip, but has a reasonable basis its inclusion. In the alternative, the examiner takes official notice that it is routine to add this feature.

Claim 4 is anticipated or rendered obvious by Figures 1 and 3 which shows A system as recited by claim 1, wherein said identification number includes a mark indicating card buyer status selected from the group consisting of minor and adult. The functional language of the mark on the card adds no patentable weight.

Claim 1 is anticipated or rendered obvious by Figures 1 and 3 which shows a method of payment for goods or services, comprising the steps of: a) purchasing a prepaid credit card of a predetermined value from a first vendor, said credit card having a unique identification number and having been issued by an issuing institution; presenting said prepaid credit card to a second vendor for payment of a charge cost composed of a price for said goods or services; transmitting said identification number

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and said charge cost to said issuing institution; deducting said charge cost from said predetermined value, if said predetermined value equals or exceeds said charge cost; transmitting sale approval to said second vendor, if said predetermined value equals or exceeds said charge cost; and transmitting sale disapproval to said second vendor, if said predetermined value does not equal or exceeds said charge cost, whereby a customer is able to anonymously purchase said goods or services.

Claim 6 is anticipated or rendered obvious by Figures 1 and 3 which shows a method as recited by claim 5, wherein said identification number is embossed on said credit card.

Claim 6 is anticipated or rendered obvious by Figures 1 and 3 which shows a method as recited by claim 5, wherein said identification number is encoded in a magnetic strip on said credit card.

Claim 8 is anticipated or rendered obvious by Figures 1 and 3 which shows a method of payment for goods or services, comprising the steps of issuing a plurality of prepaid credit cards of various predetermined values, said credit cards each having a unique identification number and being issued by an issuing institution; recording said identification number of each credit card with a corresponding predetermined value; distributing said credit cards to a plurality of first vendors; selling said credit cards at said predetermined value to customers, said selling being effected by said first vendors; purchasing a prepaid credit card of a predetermined value from one of said first vendors, said purchasing being effected by said customer paying said issuing institution said predetermined value minus a

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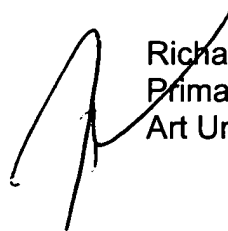
sales commission (This language associated with paying a commission has not been expressly claimed and therefor fails to carry any patentable weight. In the alternative, the examiner takes official notice that sales commissions are routine in the field of retail trade.) presenting said prepaid credit card to a second vendor for payment of a charge cost comprised of a price for said goods or services; transmitting said identification number and said charge cost to said issuing institution, the transmitting being effected by said second vendor deducting said charge cost from said predetermined value, if said predetermined value equals or exceeds said charge cost; transmitting sale approval to said second vendor, if said predetermined value equals or exceeds said charge cost; transmitting sale disapproval to said second vendor, if said predetermined value does not equal or exceeds said charge cost; and issuing said issuing institution a commission on said sale, whereby a customer using said prepaid credit card is enabled to anonymously purchase said goods or services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 703 308 4408.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 703 308 1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'R. Weisberger', is written over the printed name.

Richard C. Weisberger
Primary Examiner
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